

THE HONOURABLE SRI JUSTICE V. ESWARIAIAH

WRIT PETITION No.27713 OF 2005

-

Dated: 28-12-2005

-

Between

M. Jagannadha Rao, S/o. Late Venkata Rao,

R/o. Anakapally, Visakhapatnam District.

...PETITIONER

AND

The Joint Secretary, Salt Section, Ministry of

Industries, Commerce & Promotion, Udyog

Bhavan, New Delhi and others.

...RESPONDENTS

ORDER:

-

-

Petitioner seeks a Writ of Mandamus to declare the order dated 13.11.2005 in C.No.R/11/P/96 of the Salt Commissioner, Jaipur as illegal and arbitrary.

Learned counsel for the petitioner submits that the petitioner is a lessee of the salt factory land at Kalingapatnam, Srikakulam District, which is in an extent of Ac.217.85 cents from 07.10.2000 and will last up 06.10.2005. Pursuant to the tender notification calling for the applications for casurina plantation for a period of five years, three persons filed their tenders and the petitioner being the highest bidder, the petitioner was awarded the lease and he also entered into an agreement. The learned counsel further submits that as the petitioner suffered heavy losses due to severe drought conditions for two years, he filed a representation dated 29.05.2004 for extension of the lease. The same was considered by

the Superintendent of Salt, Naupada and recommended to the Deputy Salt Commissioner, Chennai, who without considering and disposing the said representation, passed proceedings dated 22.08.2005 intimating the petitioner to vacate and hand over the vacant possession on 06.10.2005. The said proceedings have been challenged in WP.No.21425 of 2005, which was disposed of by this Court stating that the representation filed by the petitioner was considered by the fifth respondent by proceedings dated 29.07.2004 and addressed a letter to the Deputy Salt Commissioner, Chennai, who was directed to take appropriate decision on the recommendations of the fifth respondent and till then status quo was directed to be maintained. Pursuant to the directions of this Court in WP.No.21425 of 2005 dated 05.10.2005, as the Deputy Salt Commissioner is not the competent authority he has addressed a letter dated 31.10.2005 to the Salt Commissioner, competent authority, to pass appropriate orders in the matter. The Salt Commissioner passed the impugned order dated 13.11.2005 against which the petitioner filed an appeal before the Joint Secretary, Salt Section, Ministry of Industries, Commerce & Promotion, New Delhi, on 27.11.2005, which is pending.

When an appeal is pending before the first respondent it is not just and proper for this Court to express any opinion with regard to the validity or legality of the impugned order. However, without expressing any opinion, the writ petition is disposed of directing the first respondent to consider and dispose the appeal filed by the petitioner on 27.11.2005 as expeditiously as possible within four weeks from the date of receipt of a copy of this order.

V. ESWARAIAH, J

December 28, 2005

Note: Furnish C.C. of the order in three days

(B/O)

DSK